



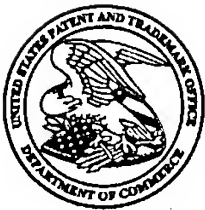
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/063,124
Filing Date: March 22, 2002
Appellant(s): SANDOVAL ET AL.

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GROUP 3600

Benjamin C. Stasa
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 6, 2007 appealing from the Office action mailed October 26, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Baker, Sunny, The Complete Idiot's Guide to Project Management, Alpha Books, 2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (Baker, Sunny; Baker, Kim; The Complete Idiot's Guide to Project Management, Alpha Books, 2000).

As per claim 1, Baker et al. teach:

A method for implementing a best practice idea within an organization comprising:

receiving at least one best practice idea from one or more best practice requesters (see pp. 55-60; where a best practice idea is selected from a list of received project ideas.);

assigning the best practice idea to a best practice process ownership team and at least one functional champion within the organization wherein the process ownership team and the at least one functional champion analyze the best practice idea to confirm that the best practice idea is a best practice, assess the feasibility of the best practice, and are responsible for the development and implementation of the best practice idea (see pp. 47-60; where functional management and core project implementation teams analyze a project based on several risks and constraints to determine the best ideas to implement.);

presenting the best practice idea to at least one executive sponsor for approval and commitment wherein the at least one executive sponsor possesses the executive authority to exercise organizational resources necessary to develop and implement the best practice idea (see pp. 50; where a review and approval team approves projects.);

defining a project plan for the best practice idea wherein the project plan tracks any necessary steps for developing and implementing the best practice idea (see pp. 89-98; where a project plan is developed. The project plan establishes tasks for developing and implementing the idea.);

developing the best practice idea according to the project plan (see pp. 272-278; where the project is developed according to the project plan.); and

Baker et al. fail to explicitly teach “deploying the best practice idea within at least one organizational function”. Baker et al. do teach assembling an implementation team (see p. 51; where a core implementation team is chosen.) and defining functional management responsible for a business function (see p. 50; where functional management are identified.). Assembling an implementation team and identifying a functional organization the project is going to affect implies that the project plan will be deployed to that functional unit. The advantage of deploying a project plan to an organization function is that this step determines the actual realization of the project thereby improving the performance and efficiency of an organization. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to “deploy the best practice idea within at least one organizational function” in combination with the

teachings of Baker et al. in order to improve the performance and efficiency of the organization, which is a goal of Baker et al. (see p. 14).

As per claim 2, Baker et al. teach:

The method of claim 1 wherein the best practice process ownership team and the at least one functional champion additionally assess the novelty and priority of the best practice idea with respect to previously identified best practice ideas (see pp. 47-60; where functional management and the core implementation team assess the novelty and priority of a project. A comparison of project ideas is also created.).

As per claim 3, Baker et al. teach:

The method of claim 1 wherein the organizational resources are selected from a group consisting of human resources, machine resources, computing resources, material resources and supplier resources (see p. 122; where organizational resources are listed. "People" are the same as human resources. "Equipment" is the same as machine resources. "Technology" is the same as computing resources. "Materials and supplies" are also listed.).

As per claim 4, Baker et al. teach:

The method of claim 1 wherein the step of deploying the best practice idea includes communicating the best practice idea to organizational resources necessary to effectively carry out the best practice idea and requiring that the best practice idea be carried out by those organizational resources (see pp. 259-267; where information of the project idea and the project tasks are effectively communicated to the project team.).

As per claim 5, Baker et al. teach:

The method of claim 1 additionally comprising presenting the best practice idea to the process ownership team for approval prior to deployment of the best practice idea (see pp. 47-60; where functional management and an approval team approve the project.).

Claim 6 recites limitations already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 7, Baker et al. fail to explicitly teach conducting a pilot of the best practice idea. It is old and well-known in the art to conduct a pilot of a project idea. The advantage of conducting a pilot is that it allows the implementation team to further collect functional usage data that further the project idea's effectiveness in improving the performance and efficiency of an organization. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to conduct a pilot of the best practice idea in order to further the improvement in performance and efficiency of the organization, which is a goal of Baker et al. (see p. 14).

As per claim 8, Baker et al. teach:

The method of claim 1 wherein the process ownership team comprises a steering team, a roundtable group and a best practice team (see pp. 50-51; where a functional management team includes supervisors, managers and vice presidents with an interest in the business processes being affected. The core implementation team consists of the project manager, other managers, and subject matter experts. The review and approval team consists of players involved in approving the details

of the project idea. The review and approval team and functional management team is the same as the steering committee. The core implementation team is the same as the roundtable group and the best practice team.).

As per claim 9, Baker et al. teach:

The method of claim 8 wherein the steering team includes one or more process ownership team champions and one or more process ownership team leaders (see p. 50; where the functional management team includes supervisors, managers, and vice presidents with an interest in the business process being affected. The review and approval team consists of players involved in approving the details of the project idea. A functional management team and a review and approval team are the same as a steering committee.).

As per claim 10, Baker et al. teach:

The method of claim 9 wherein the one or more process ownership team champions are responsible for managing the process ownership team and chair the steering team (see p. 50; where the functional management team includes supervisors, managers, and vice presidents with an interest in the business process being affected. The review and approval team consists of players involved in approving the details of the project idea. A functional management team and a review and approval team are the same as a steering committee.).

As per claim 11, Baker et al. teach:

The method of claim 8 wherein the steering team includes one or more cross-functional representatives (see p. 50; where managers who have a fundamental

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interest but do not have a direct stake in the project idea are included in the functional management team. Managers with an interest but no direct stake in a project idea are cross-functional representatives.).

As per claim 12, Baker et al. teach:

The method of claim 8 wherein the steering team allocates organizational resources for the development of the best practice idea, provides approval to begin developing the best practice idea, and approves the developed best practice idea before it is implemented (see p. 50; where the review and approval team (steering team) allocates the budget and other resources to a project plan. It further approves the development of the project idea.).

As per claim 13, Baker et al. teach:

The method of claim 8 wherein the best practice team includes one or more subject matter experts, the best practice requester, one or more user and deployment representatives, and one or more financial analysts (see p. 51; where the best practice team includes expert players, such as engineers, design specialists, etc.).

As per claim 14, Baker et al. teach:

The method of claim 1 wherein one or more worksheet templates are utilized to document the identification, selection, development, and deployment of the at least one best practice idea (see p. 361-365; where computer software provides a standardization to run project management on. Features that software includes

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include standard reports that document analysis of a project, including the costs and scheduling of phases of a project.).

As per claim 15, Baker et al. teach:

The method of claim 14 wherein the one or more worksheet templates are electronic and are populated in an online fashion (see p. 361-365; where computer software can be networked and worked on virtually (online).).

As per claim 16, Baker et al. teach:

The method of claim 1 wherein information gathered while identifying, selecting, developing and deploying the at least one best practice idea is maintained in a computer database (see p. 365; where remote users can connect to the project management software through the world-wide-web. Remote users can access databases as well.).

As per claim 17, Baker et al. teach:

The method of claim 16 wherein the computer database is accessible and searchable via the Internet including the World-Wide-Web (see pp. 362-365; where information database can be reached via the Internet, including the Web.).

Claims 18-20 recite “best practices processes” which is the same as “best practices ideas” and limitations already addressed by the rejection of claims 1-17; therefore the same rejections apply to these claims.

(10) Response to Argument

In the Appeal Brief, Appellants argue 1) Baker fails to teach a “best practice” and 2) Baker fails to teach “at least one executive sponsor possess the executive authority

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to exercise organizational resources necessary to develop and implement the best practice idea” and Examiner failed to establish the requisites for inherency.

1) Baker teaches a “best practice”.

In response to Applicants’ argument Baker fails to teach “best practice” and specifically a “best practice” is distinguished from a project, Examiner respectfully disagrees. First, Baker explicitly teaches a best practice. Baker teaches the use of best processes and optimal decisions for improving project management (see Baker p. 56). Thus, the use of best processes or practices can be applied to the business processes of project management. Although a “best practice” is different from a project, best practices can be applied to the business processes of project management and a project can include implementing a best practice. Furthermore, Baker teaches a list of projects that include “Open Cucamonga sales office” (see Baker p. 57). The opening of a sales office is implementing and executing a specific business objective, which is the definition of a best practice used by Appellant (see Appeal Brief page 3).

Appellants further argue this feature as making the 35 U.S.C. 103 rejection of the limitation “deploying the best practice idea within at least one organizational function” improper. However, Baker does teach “best practices” as discussed above and therefore this argument is not persuasive for the same reasons discussed above.

2) Baker does teach “at least one executive sponsor possess the executive authority to exercise organizational resources necessary to develop and implement the best practice idea” and Examiner failed to establish the requisites for inherency.

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In response to Applicants' argument Baker fails to teach "wherein the at least one executive sponsor possess the executive authority to exercise organizational resources necessary to develop and implement the best practice idea" and Examiner failed to establish the requisites for inherency, Examiner respectfully disagrees. First, Examiner has not made any inherency arguments regarding the teachings of Baker. Examiner has set forth specific teachings from Baker to address this feature. Thus, Appellants argument that Examiner failed to establish the requisites for inherency is without merit. Second, Baker teaches "presenting the best practice idea to at least one executive sponsor for approval and commitment wherein the at least one executive sponsor possesses the executive authority to exercise organizational resources necessary to develop and implement the best practice idea" (see Baker pp. 50; where a review and approval team approves projects.). Examiner previously cited this portion of Baker because of the broadness of the limitation. Baker further teaches a project sponsor who provides the authority to enable the project to proceed (see Baker pp. 49). Applicants' further argue that Baker is "silent as to whether any members of [Baker's] "Review and Approval Team" possess the executive authority to exercise organizational resources necessary to develop and implement the best practice idea" (see Remarks pp. 2-3). Baker explicitly teaches that the "Review and Approval" team consists of stakeholders, including functional managers and executives (see Baker p. 50) and a "project sponsor" who has the explicit authority to enable the project to proceed (see Baker p. 49). Executives will have the executive authority exercise organizational resources to develop and implement ideas and a project sponsor has been explicitly been authorized

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to authorize and delegate tasks to enable the project to proceed. Applicants further argue that an "authority to approve does not necessarily imply authority to exercise organizational resources necessary to develop and implement" (see Remarks pp. 2-3). Examiner respectfully disagrees. When a functional manager and/or executive have the authority to approve of ideas, the approval of the idea implicitly is the same as having the authority to organize resources to develop and implement the idea. Furthermore, Baker explicitly teaches an individual (i.e. project sponsor) who has such an authority.

Applicants further argue that the cited reference, Baker, fails to teach other independent and dependent claims for the same reasons as the arguments addressed above. These arguments are not persuasive for the same reasons as discussed above.

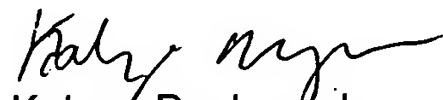
In conclusion, Appellant's arguments have been fully considered, but are found unpersuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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